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Company. To review a judgment for plaintiff, defendant brings error. Judgment reversed, and case remanded for new trial.

Munford, Hunton, Williams & Anderson and *Thos. B. Gay*, all of Richmond, for plaintiff in error.

O'Flaherty, Fulton & Byrd, of Richmond, for defendant in error.

HANCOCK et al. v. THORNHILL.

June 8, 1916.

[89 S. E. 97.]

1. Easements (§ 2*)—Entire Property—Separate Easement.—The fee-simple owner of property consisting of two lots could not have a separate easement in the vacant space between the buildings on the separate lots.

[Ed. Note.—For other cases, see Easements, Cent. Dig. § 3; Dec. Dig. § 2.* 4 Va.-W. Va. Enc. Dig. 854.]

2. Easements (§ 121 (1)*)—Way—Partition Deed—Construction.—Where the owner of two lots, on each of which was located a tobacco factory, the buildings being separated by an open space 48 or 50 feet wide, which was used in connection with both factories as a passageway, gave the remainder therein to his four children, their partition deed conveying one lot to two of the children described as including one-half of an alley 24½ feet wide running back to the street, and the other lot including one-half of an alley 24½ feet between it and the first-mentioned property, granted a joint alley over the entire property, so that the owner of one of the lots was not entitled to hold the 12 feet of vacant space joining the building on her lot free from any right or claim on the part of the owners of the other lot to use it as part of the joint alley.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 35-38; Dec. Dig. § 12 (1).* 4 Va.-W. Va. Enc. Dig. 854.]

Appeal from Corporation Court of Lynchburg.

Bill by Lilly H. Thornhill against Eva Hancock and others. Decree for complainant, and defendants appeal. Reversed and case remanded for further proceedings.

Harrison & Long, of Lynchburg, for appellants.

Caskie & Caskie, of Lynchburg, for appellee.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.